IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 2249 of 1995

Between:

ITC Ltd., ILTD Division
P.B.No.317,Guntur Rep. by its Employee Relation Manager
Mr.V.D.N.S.Sarma.

..... PETITIONER

AND

1 The Presiding Officer, The Industrial Tribunal-cum-Labour Court
Visakhapatnam.
2 Mr.Chinta Suri Babu S/o.Gani Raju
Unduru Village Samalkot Mandal
E.G.Dist A.P.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records pertaining to I.D.No.117/94 on the file of the 1st respondent, viz., the presiding officer, The Industrial Tribunal-cum-Labour Court,Visakhapatnam and quash the order dated 21-1-1995 in I.A.No.7 & 8 of 1995 by the issuance of a Writ of Certiorari or any other appropriate writ, order or direction as this Hon'ble court may deem fit and proper in the circumstances of the case including costs of these proceedings and render justice.

Counsel for the Petitioner: MR.C.R.SRIDHARAN

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: None appeared.

The Court made the following :

ORAL ORDER:

1. The writ petition is filed challenging the order passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.D.No.117 of 1994.

2 . In a pending industrial dispute, the management filed an application raising a preliminary issue. So also, the workman filed an application directing the management to produce certain documents. While the application filed by the management was rejected, the application filed by the workman was allowed. Aggrieved by the said order, the present writ petition has been filed.

3 . The principal contention raised by the learned counsel for the management is that no proper opportunity was given and the orders were passed without giving any opportunity to the management and thus, the orders are liable to be set aside.

4 . Even though notice was served on the 2nd respondent, he is not present and no representation is made on his behalf.

5 . I find from the orders passed on 21.1.1995 that the Tribunal rejected the application of the management without giving any reasons. So also, another order passed on the same day on the application filed by the workman was allowed without hearing the management.

6. Under those circumstances, I set aside both the orders passed in I.A.No.7 of 1995 in I.D.No.117 of 1994, dated 21.1.1995 and in I.A.No.8 of 1995 in I.D.No.117 of 1994, dated 21.1.1995 and remit back the matter to the Industrial Tribunal for fresh consideration. The Tribunal shall hear the parties concerned and pass appropriate reasoned orders thereon within a period of four months from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. There shall be no order as to costs.

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(G. BIKSHAPATHY, J.)

4th November, 2004.

bcj/mrb

To

1 The Presiding Officer The Industrial Tribunal-cum-Labour Court Visakhapatnam.

2 Two C.Cs. to the Government Pleader for Labour, High Court Buildings,

Hyderabad (OUT)

3 Two C.D. copies